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OLC 79 1431/4
25 September 1979

MEMORANDUM FOR THE RECORD

SUBJECT: Office of Management and Budget Response to CIA Request for
Parking Fee Exemption (Circular A-118)

1. As a follow-up to the recent meeting between Attorneys of OLC and OMB officials re the Administration's pay parking program, I telephoned and spoke with Mr. Nicholas Stoer who is the primary OMB official responsible for the program. (U/IUO)

2. Mr. Stoer advised that a meeting had been held (participants unidentified) on Friday, 21 September 1979 at which CIA's requests were discussed with the unwelcome results as follows:

-- S. 930: OMB will continue to put pressure on the Congress in order to bring S. 930 and similar bills in line with the Administration position as delineated by their recently published Circular A-118. In effect, therefore, OMB will push for government-wide parking fees regardless of the location of the Federal installation or absence of local area fees for civilian vehicles. S. 930 currently ties parking fees directly to those charged civilians in the environs adjacent to the individual Federal installation.

-- Flexibility within Circular: Mr. Stoer stated that it is OMB's position that the DCI does not need flexibility greater than that already provided by the provisions contained in the Circular. A special exception for the DCI modeled on that granted the Secretary of Defense is, according to him, unnecessary. (U/IUO)

3. Mr. Stoer went on to note that it was the considered judgment of OMB that the DCI's present statutory authority, i.e., sources and methods and Section 8's (CIA Act of 1949) personnel powers, were quite sufficient to deal with the unique problems facing CIA's "special" facilities. In so stating, Mr. Stoer spoke specifically to our outside offices that operate under one form or another of commercial cover wherein a government parking sticker would endanger the cover of the facility and the persons who work therein. He stated that, in such limited cases, there would be no objection to the DCI's exercising of his extraordinary power. While Mr. Stoer implied that OMB would not object to such a decision, he hastened to add that the decision should be arrived at by the DCI independently, i.e., without formal OMB concurrence. (C)

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SUBJECT: Federal Paid-Parking Program

b. Who determines rates for parking and decides which facilities will be affected?

Most agency facilities are GSA-controlled, and GSA is responsible for determining rates for these installations. Each year, on 1 July, GSA provides Federal agencies with a printout listing the monthly parking charge for the next year for those facilities where the rate exceeds \$10.00 per month. For the period from 1 November 1979 through 30 September 1981, the charges to be collected shall be 50 percent of the full rate but not less than \$10.00 per month. The full rate will be collected beginning 1 October 1981. Facilities where the full assessment is less than \$10.00 per month are exempt from the Paid-Parking Program. Also exempt are shared facilities where a Government agency occupies a portion of a privately-owned facility and specific parking areas are not assigned to individual employers. GSA currently recognizes the Westgate complex as a shared facility.

c. Because rate assessments vary according to physical location, many Agency employees are charged high monthly parking fees while others, by virtue of their assignment, pay no fees at all. Why can't all employees be charged a standard fee and share equally in meeting the paid-parking assessments of this Agency?

The situation where employees are charged parking fees by virtue of their work location is not unique to the initiation of the Federal Paid-Parking Program. Agency personnel assigned to the Rosslyn area and other commercial locations have paid parking fees for many years. GSA is quite clear in their guidance that Federal agencies are not permitted to subsidize parking fees by averaging costs amongst their employees. To do so would negatively impact on the very intent of the Paid-Parking Program; i.e., to encourage carpools and maximize use of public transportation.

d. If paid parking is initiated on the Headquarters compound, will a standard fee be established or will a higher fee be established for those spaces closer to the building than for those in the West parking lot?

7 FEB 1980

MEMORANDUM FOR: Deputy Director for Administration

FROM: James H. McDonald
Director of Logistics

SUBJECT: Federal Paid-Parking Program

1. In 1979, the Agency initiated a Paid-Parking Program in compliance with the provisions of OMB Circular A-118 and subsequent GSA implementing instructions. Because the GSA rate assessment for parking spaces at Headquarters was below \$10.00 per space, the Headquarters compound was exempt from this program for the first year. However, on 1 July of each year, GSA furnishes Federal agencies with a new listing of monthly parking charges for the next fiscal year. Based upon a dramatic increase in Standard Level User Charges (SLUC) for FY-1981 (from 22 cents to 46 cents per square foot, outside parking and from 38 cents to 63 cents per square foot, inside parking), it seems a virtual certainty that the Headquarters compound will come under the auspices of the Federal Paid-Parking Program on 1 October 1980. Paid parking has already proven to be a sensitive and emotional issue for many of our employees. Expansion of the program to include the Headquarters compound will, no doubt, rekindle emotions and stimulate questions, both old and new, from many different forums. Provided below are a summary of the questions most often asked, the current management position regarding these questions, and the rationale supporting that position.

a. What is the purpose of the Paid-Parking Program?

The intent of the Federal Paid-Parking Program is to conserve energy and to reduce air pollution and traffic congestion by encouraging Federal employees to join carpools and increase their use of public transportation. The program has never been intended as a revenue device.

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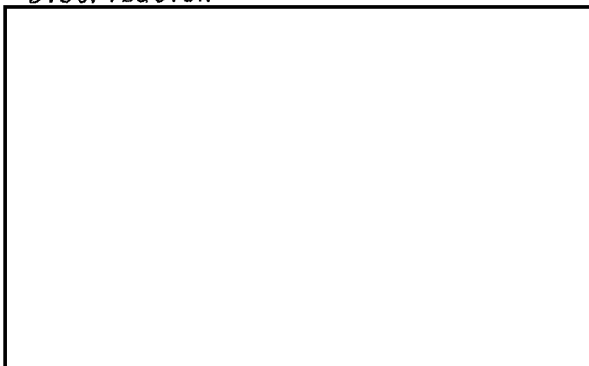
4. The OMB official made a point of reiterating the Administration position that their goal was energy conservation and that any attempt by CIA to utilize the DCI's authority to create a loophole for large numbers of Agency employees would be met with stern OMB resistance. He added that both the public and the rest of the Executive Branch would look askance at a blanket CIA exemption. It is, therefore, clear that no real consideration was given to our problems with undercover people at Headquarters. (C)

5. I concluded the conversation by thanking Mr. Stoer for his frank views, adding that our position had not changed and that it would be necessary for me to pass his decisions up the line for appropriate action. (U/IUO)



Assistant Legislative Counsel

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